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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,214	09/29/2003	Donald John Bennett	13436.277 (Bennett 1-2)	2515
24283	7590	09/14/2007	EXAMINER	
PATTON BOGGS LLP			ISMAIL, SHAWKI SAIF	
1801 CALIFORNIA STREET			ART UNIT	
SUITE 4900			PAPER NUMBER	
DENVER, CO 80202			2155	
			MAIL DATE	DELIVERY MODE
			09/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/674,214

Applicant(s)

BENNETT ET AL.

Examiner

Shawki S. Ismail

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **RESPONSE TO AMENDMENT**

1. This communication is responsive to the amendment filed on June 26, 2007.

Claims 1, 3-5 and 7-8 have been amended.

Claims 1-8 are pending further examination.

### **The Previous Rejection Maintained**

2. The rejection is respectfully maintained as set forth in the last Office Action mailed on April 6, 2007. Applicants' arguments with respect to claims 1-8 have been fully considered but they are not persuasive and the previous rejection is maintained

### **Claim Rejections - 35 USC §102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by **Chuah et al.**, (Chuah) U.S. Patent No. **6,449,272 B1**.

5. As to claim 1, Chuah teaches a Direct Internet Access system for providing a subscriber with virtual dial-up access to a remotely located corporate network gateway from a mobile subscriber station, comprising:

Wireless call connection means for establishing a local wireless call connection between a serving mobile switching center and a mobile subscriber station (col. 1, line 55 – col. 2, line 12 and Fig. 2, col. 3, line 66 – col. 4, line 67);

Interworking Function means, located in said serving mobile switching center, for directly establishing a data session with said remotely located corporate network gateway (col. 1, line 55 – col. 2, line 12 Fig. 2, col. 3, line 66 – col. 4, line 67); and

Network server means connected to said Interworking Function means of said serving mobile switching center, for establishing a data tunnel directly to said remotely located corporate network gateway (col. 1, line 55 – col. 2, line 12 Fig. 2, col. 3, line 66 – col. 4, line 67).

6. As to claim 2, Chuah teaches the Direct Internet Access system of claim 1 wherein said network server means comprises: means for assigning a subscriber session to a Virtual Routing and Forwarding (VRF) instance; and means for routing said subscriber session within the Virtual Routing and Forwarding instance to the destination network interface (col. 1, line 55 – col. 2, line 12 Fig. 2, col. 3, line 66 – col. 4, line 67).

7. As to claim 3, Chuah teaches the Direct Internet Access system of claim 1 wherein said remotely located corporate network gateway comprises: means for authenticating said mobile subscriber station (col. 3, line 66 – col. 4, line 10).

8. As to claim 4, Chuah teaches the Direct Internet Access system of claim 1 wherein said Interworking Function means for establishing a tunnel comprises: L2TP

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Access Concentrator means for allocating a Call ID and notifying said network server means about the new connection (refer to Fig. 2, col. 3, line 66 – col. 4, line 67).

9. Claims 5-8 do not teach or define any new limitations above claims 1-4; therefore, they are rejected for similar reasons.

10. Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### **Response to Arguments**

Applicants' arguments with respect to claims 1-8 have been fully considered but they are not persuasive. Applicant argues in substance that:

Chuah teaches the use of an anchor ISP which functions as a VPN gateway to the corporate gateway. Chuah teaches establishing multiple tunnel from the remote user to the corporate gateway whereas the instant invention only establishes one tunnel between the user and the remote gateway through the mobile switching center.

The examiner agrees that Chuah teaches the use of an anchor ISP which functions as a VPN gateway to the corporate gateway and that Chuah teaches establishing multiple

tunnel from the remote user to the corporate gateway. However Chuah further teaches at Fig. 12 col. 11, lines 20-40, that:

In FIG. 12, PC 805 includes data communications equipment (not shown) for establishing wireless access through Personal Communications Service (PCS) wireless network 910 to the Internet. PCS Wireless services are known in the art and will not be described in detail. PCS wireless network 910 comprises a plurality of mobile switching centers as represented by elements 875 and 880. Each switching center serves a geographical area (not shown). It is assumed that elements 875 and 880 include an NAS, e.g., LACs similar to Anchor LAC 115 of FIG. 1. Initially, it is assumed that the remote user establishes a VPN session to the corporate network as known in the art using, e.g., that portion of L2TP. In particular, the remote user is in a geographical area such that this initial connection is routed through element 875 via connections 874 and 876 to LNS 935. In the context of a wireless PCS application, the initial PPP connection is between element 875 and PC 805. (Although shown as a part of the switching elements for simplicity, the NAS functions could also be performed in separate pieces of equipment. Similarly, the other elements such as a local network and router are not shown for simplicity.))  
(Emphasis added)

Chuah clearly teaches establishing a one tunnel between the user and the remote gateway through the mobile switching center as evidenced by Fig. 12 and therefore meets the scope of the claimed limitation as currently presented.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

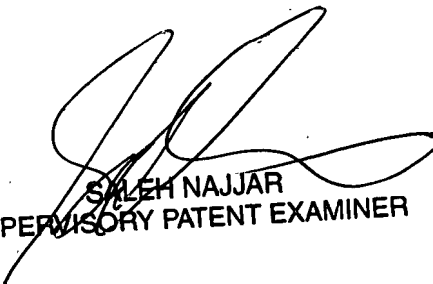
**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail  
Patent Examiner  
September 13, 2007

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER